

**FISCAL NOTE**  
**SB 1738 - HB 1654**

April 4, 2003

**SUMMARY OF BILL:**

- requires the preservation of all evidence or biological material that is susceptible to DNA analysis and secured in connection with any criminal case for the period of time that a person remains incarcerated. Exceptions are provided for this storage requirement and for disposal, unless there is a request for extension.
- provides that if a defendant who has requested DNA analysis based upon an oath claiming innocence, receives unfavorable results, the court is authorized to inform the Department of Correction and this information, in the discretion of the department, may be used as grounds for disciplinary action. If the results are favorable, the court shall order a hearing and make such orders as are required or permitted by the rules of criminal procedures or general law.

**ESTIMATED FISCAL IMPACT:**

**Increase Local Govt. Expenditures\* - Exceeds \$100,000**

Assumes local law enforcement agencies will incur additional expenditures to accommodate the storage of evidence or biological material that may be subject to testing during the defendant's period of incarceration.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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